

Notice of Allowability

Application No.

10/649,538

Examiner

D. Lawrence Tarazano

Applicant(s)

KENNEDY ET AL.

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10649538.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

D. Lawrence Tarazano
Primary Examiner
Art Unit: 1773

updated
Continuity base



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PATENT TRADEMARK OFFICE

[Handwritten signature]

17858 U.S. P
10/649538
08/27/03

Mail Stop Patent Application EXPRESS MAIL LABEL NO. EV 366456624 US
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313

PATENT

Docket No.
D-42237-02

Transmittal of Continuing Application Pursuant to 37 C.F.R. § 1.53(b)

Please file a ☐ continuation ☒ **divisional** ☐ continuation-in-part application of pending prior patent application no. 08/254,345, filed on June 6, 1994

of Thomas D. Kennedy, Gordon V. Sharps, Jr. and Richard K. Watson

entitled Film Having Enhanced Sealing Characteristics and Package Containing Same

1. The enclosed application papers are a true copy of the prior application as filed including the specification, claims, drawings (if any), and oath or declaration.
2. ☒ Amend the specification by inserting, just after the title: "This is a ☐ continuation ☒ **divisional** ☐ continuation-in-part of application no. 08/254,345, filed on June 6, 1994." *now Pat. No. 6,682,825-*
3. ☐ An IDS and PTO 1449 is enclosed. (Copies of references are available in the prior application.)
4. ☒ Cancel claims 16-18 and 21-60
5. ☒ 19 sheets of drawings are enclosed.
6. ☐ This application is being filed by less than all the inventors named in the prior application. Please delete the names of the following person(s) who are not inventors of the invention claimed in this application:
7. ☐ Please abandon the last-mentioned prior application.
8. ☒ An assignment is ☐ enclosed, or ☒ of record in the prior application and a copy is enclosed.
9. ☒ A power of attorney is ☐ enclosed, or ☒ of record in the prior application and a copy is enclosed.

The fees for filing the application and recording the assignment (if indicated) are computed as follows:

Claims As Filed				
(1) For	(2) Number Filed	(3) Number Extra	(4) Rate	(5) Totals
Basic fee	N/A	N/A	\$750.	\$750.
Total claims	17 - 20 =	0	× \$18.	\$
Independent claims	2 - 3 =	0	× \$84.	\$
Additional fee for filing one or more multiple dependent claims			\$280.	\$
Assignment recording fee			\$40.	\$
Total amount due				\$750.

☒ The USPTO is authorized to charge the amount shown above to Deposit Account No. 07-1765. Also, during the pendency of this application, please charge any fees incurred and credit any overpayments made to that same Deposit Account.

☒ Kindly address all correspondence relating to this application to the undersigned attorney at the following address: Cryovac, Inc.
P.O. Box 464
Duncan, SC 29334

Registration Number	Telephone Number
29,313	(864) 433-3247
Date	

Signature
<i>Rupert B. Hurley Jr.</i>
Print Name
Rupert B. Hurley Jr.